

ASSEMBLY BILL

No. 1781

Introduced by Assembly Member Villines

February 9, 2010

An act to add Chapter 7.1 (commencing with Section 1964) to Division 2.5 of the Streets and Highways Code, and to amend Sections 21251 and 21260 of the Vehicle Code, relating to neighborhood electric vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1781, as introduced, Villines. Neighborhood electric vehicles.

Existing law defines “low-speed vehicle” for purposes of the Vehicle Code as a motor vehicle, other than a motor truck, with 4 wheels that is capable of a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour on a paved level surface and that has a gross vehicle weight rating of less than 3,000 pounds. Existing law imposes certain restrictions on the use of low-speed vehicles on public streets and highways, and generally requires an operator of a low-speed vehicle to have a driver’s license. A low-speed vehicle is also known as a neighborhood electric vehicle (NEV). A violation of the Vehicle Code is an infraction, unless otherwise specified.

Existing law authorizes, until January 1, 2012, the City of Lincoln and the City of Rocklin in the County of Placer to establish a NEV plan and authorizes, until January 1, 2013, the County of Orange to establish a NEV transportation plan for the Ranch Plan Planned Community in that county. A person operating a NEV in a plan area in violation of certain provisions is guilty of an infraction punishable by a fine not exceeding \$100.

This bill would authorize the City of Fresno to establish a similar NEV plan, subject to the same penalties. The bill would require a report to the Legislature by November 1, 2014, if the city adopts a plan. Because the bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 7.1 (commencing with Section 1964) is added to Division 2.5 of the Streets and Highways Code, to read:

CHAPTER 7.1. NEIGHBORHOOD ELECTRIC VEHICLE
TRANSPORTATION PLAN FOR THE CITY OF FRESNO

1964. It is the intent of the Legislature, in enacting this chapter, to authorize the City of Fresno to establish a neighborhood electric vehicle (NEV) transportation plan. The purpose of this NEV transportation plan is to further the vision of creating a sustainable development that reduces gasoline demand and vehicle emissions by offering a cleaner, more economical means of local transportation within the plan area. It is the further intent of the Legislature that this NEV transportation plan be designed and developed to best serve the functional travel needs of the plan area, to have the physical safety of the NEV driver's person and property as a major planning component, and to have the capacity to accommodate NEV drivers of every legal age and range of skills.

1964.1. The following definitions apply to this chapter:

(a) "Plan area" means any portion of the City of Fresno, and any streets and roads under the jurisdiction of the city, to the extent the city has adopted a NEV transportation plan pursuant to Section 1964.2, including the privately owned land of any owner that consents to its inclusion in the plan. "Plan area" may also include county islands, which are areas of land and streets and roads under

1 county jurisdiction that are not part of the City of Fresno, but that
2 are entirely surrounded by the city, if the county concurs in
3 inclusion of county islands in the NEV transportation plan.

4 (b) “Neighborhood electric vehicle” or “NEV” means a
5 low-speed vehicle as defined by Section 385.5 of the Vehicle Code.

6 (c) “NEV lanes” means all publicly or privately owned facilities
7 that provide for NEV travel, including roadways designated by
8 signs or permanent markings that are shared with pedestrians,
9 bicyclists, and other motorists in the plan area.

10 1964.2. (a) The City of Fresno may, by ordinance or resolution,
11 adopt a NEV transportation plan for the plan area.

12 (b) The transportation plan shall have received a prior review
13 and the comments of the Council of Fresno County Governments
14 and any agency having traffic law enforcement responsibilities in
15 the plan area.

16 (c) The transportation plan may include the use of a state
17 highway, or any crossing of the highway, subject to the approval
18 of the Department of Transportation.

19 1964.3. The transportation plan shall include, but is not limited
20 to, all of the following elements:

21 (a) Route selection, which includes a finding that the route will
22 accommodate NEVs without an adverse impact upon traffic safety,
23 and will consider, among other things, the travel needs of
24 commuters and other users.

25 (b) Transportation interfacing, which shall include, but not be
26 limited to, coordination with other modes of transportation so that
27 a NEV driver may employ multiple modes of transportation in
28 reaching a destination in the plan area.

29 (c) Citizen and community involvement in planning.

30 (d) Flexibility and coordination with long-range transportation
31 planning.

32 (e) Provision for NEV-related facilities including, but not limited
33 to, special access points and NEV crossings.

34 (f) Provisions for parking facilities at destination locations,
35 including, but not limited to, community commercial centers, golf
36 courses, public areas, and parks.

37 (g) Provisions for special paving, road markings, signage, and
38 striping for NEV travel lanes, road crossings, parking, and
39 circulation, as appropriate.

40 (h) Provisions for NEV electrical charging stations.

(i) NEV lanes for the purposes of the transportation plan shall be classified as follows:

(1) Class I NEV routes provide for a completely separate right-of-way for the use of NEVs.

(2) Class II NEV routes provide for a separate striped lane adjacent to roadways with speed limits of 55 miles per hour or less.

(3) Class III NEV routes provide for shared use by NEVs with conventional vehicle traffic on streets with speed limits of 35 miles per hour or less.

1964.4. If the City of Fresno adopts a NEV transportation plan for the plan area pursuant to Section 1964.2, it shall do both of the following:

(a) Establish minimum general design criteria for the development, planning, and construction of separated NEV lanes, including, but not limited to, the design speed of the facility, the space requirements of the NEV, and roadway design criteria, if the plan envisions separated NEV lanes.

(b) In cooperation with the department, establish uniform specifications and symbols for signs, markers, and traffic control devices to control NEV traffic; to warn of dangerous conditions, obstacles, or hazards; to designate the right-of-way as between NEVs, other vehicles, and bicycles, as may be applicable; to state the nature and destination of the NEV lane; and to warn pedestrians, bicyclists, and motorists of the presence of NEV traffic.

1964.5. If the City of Fresno adopts a NEV transportation plan, it may acquire, by dedication, purchase, or condemnation, real property, including easements or rights-of-way, to establish NEV lanes.

1964.6. If the City of Fresno adopts a NEV transportation plan for the plan area pursuant to Section 1964.2, it shall also adopt all of the following as part of the plan:

(a) NEVs eligible to use NEV lanes shall meet the safety requirements for low-speed vehicles as set forth in Section 571.500 of Title 49 of the Code of Federal Regulations.

(b) Minimum safety criteria for NEV operators, including, but not limited to, requirements relating to NEV maintenance and NEV safety. Operators shall be required to possess a valid California driver's license and to comply with the financial

responsibility requirements established pursuant to Chapter 1 (commencing with Section 16000) of Division 7 of the Vehicle Code.

(c) (1) Restrictions limiting the operation of NEVs to NEV routes identified in the transportation plan, and allowing only those NEVs that meet the safety equipment requirements specified in the plan to be operated on those routes.

(2) Any person operating a NEV in the plan area in violation of this subdivision is guilty of an infraction punishable by a fine not exceeding one hundred dollars (\$100).

1964.7. (a) If the City of Fresno adopts a NEV transportation plan for the plan area pursuant to this chapter, the city shall submit a report to the Legislature on or before November 1, 2014, in consultation with the Department of Transportation, the Department of the California Highway Patrol, and any applicable local law enforcement agency.

(b) The report shall include both of the following:

(1) A description of the NEV transportation plan and its elements that have been authorized up to that time.

(2) An evaluation of the effectiveness of the NEV transportation plan, including its impact on traffic flows and safety.

SEC. 2. Section 21251 of the Vehicle Code is amended to read:

21251. Except as provided in Chapter 7 (commencing with Section 1963) ~~and~~, *Chapter 7.1 (commencing with Section 1964)*, and Chapter 8 (commencing with Section 1965) of Division 2.5 of the Streets and Highways Code, and Sections 4023, 21115, and 21115.1, a low-speed vehicle is subject to all the provisions applicable to a motor vehicle, and the driver of a low-speed vehicle is subject to all the provisions applicable to the driver of a motor vehicle or other vehicle, when applicable, by this code or another code, with the exception of those provisions that, by their very nature, can have no application.

SEC. 3. Section 21260 of the Vehicle Code is amended to read:

21260. (a) Except as provided in paragraph (1) of subdivision (b), or in an area where a neighborhood electric vehicle transportation plan has been adopted pursuant to Chapter 7 (commencing with Section 1963) ~~or~~, *Chapter 7.1 (commencing with Section 1964)*, or Chapter 8 (commencing with Section 1965) of Division 2.5 of the Streets and Highways Code, the operator of

1 a low-speed vehicle shall not operate the vehicle on any roadway
2 with a speed limit in excess of 35 miles per hour.

3 (b) (1) The operator of a low-speed vehicle may cross a roadway
4 with a speed limit in excess of 35 miles per hour if the crossing
5 begins and ends on a roadway with a speed limit of 35 miles per
6 hour or less and occurs at an intersection of approximately 90
7 degrees.

8 (2) Notwithstanding paragraph (1), the operator of a low-speed
9 vehicle shall not traverse an uncontrolled intersection with any
10 state highway unless that intersection has been approved and
11 authorized by the agency having primary traffic enforcement
12 responsibilities for that crossing by a low-speed vehicle.

13 SEC. 4. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.